

REMARKS***Summary of the Amendment***

Upon entry of the above amendment, claims 1 – 21 and 28 – 30 will have been canceled without prejudice or disclaimer. However, Applicants expressly reserve the right to refile the subject matter of the canceled claims in one or more continuing applications. Accordingly, claims 22 – 27 remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has indicated that claims 22 – 27 are allowed. Further, the Examiner has objected to an informality in claim 16 and rejected claims 1 – 21 and 28 – 30 over the applied art of record. In the Advisory Action, the Examiner alleged that Applicants' arguments did not overcome the rejections, but that claims 22 – 27 remain allowed. Accordingly, Applicants submit that the objections and rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Amendment is Proper for Entry

Applicants submit that the instant amendment cancelling rejected claims 1 – 21 and 28 – 30 so that only allowed claims 22 – 27 remain pending is proper for entry in that neither new issues requiring further search or consideration nor questions of new matter are raised by this amendment.

Accordingly, as only allowed claims 22 – 27 remain pending, Applicants respectfully request entry and consideration of this amendment.

Acknowledgment of Allowed Subject Matter

Applicants gratefully acknowledge and agree with the Examiner's allowance of claims 22 – 27.

Objection Based Upon Informality is Moot

Applicants submit that the objection to claim 16 based upon an informal matter is moot in view of the pending amendment, which has canceled claim 16 without prejudice or disclaimer.

Accordingly, Applicants request that the Examiner reconsider and withdraw the objection and indicate that all pending claims, are fully in compliance with the Patent Office Rules.

Rejection Under 35 U.S.C. § 103(a) is Moot

1. **Over Poschinger in view of Tunney**

Applicants submit that the rejection of claims 1, 2, 4 – 11, 13 – 17, 19 – 21, and 28 – 30 under 35 U.S.C. § 103(a) as being unpatentable over POSCHINGER (U.S. Patent No. 4,566,589) in view of TUNNEY et al. (U.S. Patent No. 6,635,119) [hereinafter “TUNNEY”] is moot.

While Applicants do not acquiesce that any proper combination of POSCHINGER in view of TUNNEY under 35 U.S.C. § 103(a) can render obvious the embodiments of the invention recited in the above-noted claims, in an effort to advance prosecution, Applicants have canceled claims 1 – 21 and 28 – 30 (which include rejected claims 1, 2, 4 – 11, 13 – 17, 19 – 21, and 28 – 30) without prejudice or disclaimer. Further, Applicants have expressly reserved the right to refile the subject matter of canceled claims 1 – 21 and 28 – 30 in one or more continuing applications.

As the claims currently rejected by the Examiner are no longer pending in the instant application, Applicants submit that the asserted rejection is now moot. Accordingly, withdrawal

of the rejections and the forwarding of a Notice of Allowability to the undersigned is respectfully requested.

2. *Over Poschinger in view of Tunney and further in view of Schrenk*

Applicants traverse the rejection of claims 3 and 18 under 35 U.S.C. § 103(a) as being unpatentable over POSCHINGER in view of TUNNEY and further in view of SCHRENK (U.S. Patent No. 4,613,054).

While Applicants do not agree that the embodiments of the invention recited in at least claims 3 and 18 are rendered obvious over any proper combination of POSCHINGER in view of TUNNEY and further in view of SCHRENK under 35 U.S.C. § 103(a), in an effort to advance prosecution, Applicants have canceled claims 1 – 21 and 28 – 30 (which include rejected claims 3 and 18) without prejudice or disclaimer. Further, Applicants have expressly reserved the right to refile the subject matter of canceled claims 1 – 21 and 28 – 30 in one or more continuing applications.

As the claims currently rejected by the Examiner are no longer pending in the instant application, Applicants submit that the asserted rejection is now moot. Accordingly, withdrawal of the rejections and the forwarding of a Notice of Allowability to the undersigned is respectfully requested.

3. *Over Poschinger in view of Tunney*

Applicants traverse the rejection of claim 12 under 35 U.S.C. § 103(a) as being unpatentable over POSCHINGER in view of TUNNEY.

While Applicants do not agree that a proper combination of POSCHINGER in view of TUNNEY under 35 U.S.C. § 103(a) can render unpatentable the combination of features recited in the above-noted claims, in an effort to advance prosecution, Applicants have canceled claims

1 – 21 and 28 – 30 (which include rejected claim 12) without prejudice or disclaimer. Further, Applicants have expressly reserved the right to refile the subject matter of canceled claims 1 – 21 and 28 – 30 in one or more continuing applications.

As the claims currently rejected by the Examiner are no longer pending in the instant application, Applicants submit that the asserted rejection is now moot. Accordingly, withdrawal of the rejections and the forwarding of a Notice of Allowability to the undersigned is respectfully requested.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

The undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

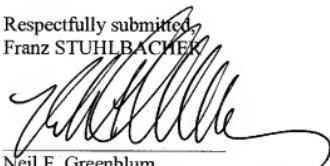
CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 22 – 27. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted
Franz STUHLBACHER



Neil F. Greenblum
Reg. No. 28,394

Robert W. Mueller
Reg. No. 35,043

October 8, 2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191